REMARKS/ARGUMENTS

This Amendment is in response to the Office Action dated December 1, 2004. Claims 1-20 remain pending in the present application. Claims 1-7 and 10-14 are rejected and claims 8 and 9 are objected to. Claims 1, 5-8, 10, and 14 have been amended, and claims 15-20 have been added by this amendment.

Applicant petitions for a three month extension of time to respond to the Office Action dated December 1, 2004.

The 102 Rejections

The Examiner rejected claims 1-4 under 35 U.S.C. 102(b) as being anticipated by Ishii (U.S. Patent No. 6,148,243) ("Ishii"). Applicant respectfully traverses, and has amended claim 1 for clarity.

Claim 1 recites an audio apparatus including recognizing logic for recognizing an external connection situation, audio volume setting logic for setting an audio volume of audio to be output to a user of the audio apparatus, and a built-in speaker for outputting the audio at the audio volume set by the audio volume setting logic. The audio volume is changed according to the external connection situation recognized by the recognizing logic, wherein at least two different external connection situations are associated with different audio volumes. This is disclosed in Applicant's specification, for example, on pages 22-25.

In contrast, Ishii discloses a personal computer and docking station system, each device having an audio output. When the personal computer is connected to the docking station, the speakers of the docking station can be used instead of or in addition to the speakers of the personal

computer, where the same volume of audio output by the personal computer alone is output when the computer is coupled to the docking station.

This is not the same as Applicant's claim 1. Applicant recites that audio volume setting logic changes an audio volume of audio to be output to a user of the audio apparatus to be appropriate to the external connection situation (disclosed, e.g., pages 22-25 of Applicant's specification). Ishii, in contrast, does not change an audio volume of audio that is to be output to the user; rather, Ishii wants the audio volume of the audio output to the user to remain the same whether the computer is connected to the docking station or not. For example, Ishii states that "the same sound volume as that of the stereo speakers 110 of the note type personal computer 301 adjusted by the volume slider 111 is output from both the stereo speakers 110 and 105 after the docking, and so a user will not be in trouble." (col. 8, lines 45-49); this is also disclosed at col. 9, lines 7-10. Ishii might adjust the volume of a particular speaker after docking, but this is done so that the volume of the audio output to the user (which is from all speakers) is the same as before docking. Ishii does not provide a change in audio volume of audio output to the user that is appropriate to an external connection situation, as recited in claim 1.

Furthermore, Applicant's claim 1 recites that at least two different external connection situations are associated with different audio volumes of audio output to the user. Ishii does not disclose different external connection situations associated with different audio volumes output to the user. As explained above, Ishii's goal is that the audio volume output to the user always remains the same, whether connected to a docking station or not. Applicant therefore believes that claim 1 is patentable over Ishii. Dependent claims 2-4 are patentable over Ishii for at least the same reasons as claim 1, and for additional reasons. Applicant therefore respectfully requests that the rejection of claims 1-4 under 35 U.S.C. 102(b) be withdrawn.

The Examiner rejected claims 5-7 under 35 U.S.C. 102(e) as being anticipated by Kitamura, U.S. Patent 6,704,421. Applicant respectfully traverses, and has amended claim 5 for clarity to indicate that the connection situations are external connection situations. Claim 5 recites that hypothetical computer apparatus external connection situations are stored, as well as audio volumes corresponding to those external connection situations, comparing the hypothetical and external connection situations, and extracting and using the audio volume according to a match.

Kitamura teaches an equalization control system in which sound output is adjusted in different frequency bands according to equalization templates, where different templates are available for types of music (col. 7, lines 36-40) and can be based on the audio sample rate of the sound to be output, the audio media type (disc), and audio format (col. 8).

The Examiner stated that Kitamura's matching of audio medium being played is a hypothetical usage situation as recited in claim 1, e.g., the usage of a CD player, DVD player, etc. However, Kitamura only discloses having different equalization settings based on the format or medium of audio, not on any external connection situation. Kitamura does not base any equalization on whether a CD player or DVD player is connected to the equalizer. For example, a DVD player can typically play either CDs or DVDs. Kitamura cares only about the medium (CD or DVD) or format of the audio for adjustment of frequency bands, while any actual device or player that is connected to the equalizer is irrelevant to Kitamura. Thus, Kitamura does not store hypothetical external connection situations nor compares such situations with the actual external connection situation of the audio device, as recited in claim 5, nor suggests doing so, since that would be useless to Kitamura's invention. Applicant therefore believes that claim 5 is patentable over Kitamura. Claim 6 is dependent on claim 5 and is patentable

over Kitamura for at least the same reasons.

Independent claim 7 recites a computer apparatus including a built-in speaker, audio volume control logic, a storage unit for storing hypothetical computer apparatus usage situations, and recognizing logic for recognizing the actual usage situation, such that an audio volume suitable for the actual usage situation is selected. Claim 7 has been amended for clarity to recite that the storage unit stores hypothetical usage situations corresponding to different places of use for the computer apparatus. The places of use are disclosed throughout Applicant's specification, e.g., page 8 and page 29. In contrast, Kitamura discloses storing equalization templates that can change the frequency band allocation in audio output according to type of music, audio format, or audio medium. Kitamura does not store or compare usage situations corresponding to different places of use for the computer apparatus; the place of use, and corresponding usage situations, are irrelevant to Kitamura's adjustments to output audio. Applicant therefore believes that claim 7 is patentable over Kitamura. Applicant respectfully requests that the rejection of claims 5-7 be withdrawn.

The Examiner rejected claims 10 and 11 under 35 U.S.C. 102(b) as being anticipated by Kunkel, U.S. Patent 6,122,701. Applicant has amended claim 10 for clarification, which recites an audio apparatus including muting logic for muting the audio volume of output audio and changing a set value of the muted audio volume to a changed value during muting, and a mute canceling logic for canceling muting after the set value of the muted audio volume is changed, wherein upon cancellation of the muting, the audio is output at the audio volume having the changed value. This is disclosed in Applicant's specification, for example, on page 26, lines 15-19.

In contrast, Kunkel discloses a device volume control for a computer system in which

output audio can be muted, and if a volume-up or a volume-down button is detected, the mute is canceled and the volume is adjusted accordingly. However, Kunkel does not disclose or suggest a system where a value of audio volume is changed during muting, and where the audio is output at a volume of that changed value upon cancellation of the muting. Kunkel appears to cancel muting and then adjust the volume, or cancels muting at the same time as adjusting volume, e.g., "If muted when a volume-up or volume-down button was detected, the mute is canceled and the volume adjusted accordingly" (col. 3, lines 2-4). There is no description of changing a value of audio volume during muting as recited in Applicant's claim 10, nor canceling muting after that value of audio volume was changed so that the audio is output at the changed volume upon mute cancellation.

Furthermore, this would not be obvious in view of Kunkel. Kunkel discloses nothing about the advantages of adjusting a volume value during muting so that audio output will be at a desired level when muting is canceled. Kunkel appears to simply to provide a control to cancel muting and then adjust the volume to the user's preference; Kunkel is not interested in when the adjustment is made, nor offers any suggestions related to such an issue. Applicant therefore believes that claim 10 is patentable over Kunkel. Claims 11 is dependent from claim 10 and is believed patentable for at least the same reasons. In view of the foregoing, Applicant respectfully requests that the rejection of claims 10-11 under 35 U.S.C. 102(b) be withdrawn.

The 103 Rejections

The Examiner rejected claims 12-14 under 35 U.S.C. 103(a) as being unpatentable over Kunkel (U.S. Patent No. 6,122,701). Applicant has amended claim 14 for clarity. Claims 12 and 13 are dependent from claim 10 and are believed patentable over Kunkel for at least the same

reasons as described with respect to claim 10, and for additional reasons.

Claim 14 recites a computer apparatus including a built-in speaker, and an audio volume control logic for controlling the audio volume of audio output from the speaker, where the control logic includes a function whereby, when the output audio volume is muted, the volume is changed to a changed volume during muting and before muting is canceled, and muting is canceled later such that the audio is output at the changed volume upon cancellation of muting. Similarly as explained above with reference to claim 10, Kunkel does not disclose or suggest a system where a value of audio volume is changed during muting, and where the audio is output having a volume at that changed value upon cancellation of the muting. This would not be obvious in view of Kunkel, since Kunkel discloses nothing about the advantages of adjusting a volume value during muting so that audio output will be at a desired level when muting is canceled, and Kunkel is not interested in when the adjustment is made, nor offers any suggestion related to such an issue. Applicant therefore believes that claim 14 is patentable over Kunkel, and respectfully requests that the rejection of claim 14 under 35 U.S.C. 103(a) be withdrawn.

Applicant thanks the Examiner for the indication that claims 8 and 9 would be allowable if rewritten in independent form including all the limitations of base and intervening claims.

New Claims

New claims 15-20 have been added by this amendment and are believed patentable for at least the same reasons as their respective parent claims and for additional reasons. Claim 15 recites that the audio apparatus of claim 1 stores hypothetical external connection situations and volumes and compares them to the actual external connection situation, similar to the subject matter of

claims 5 and 7, and is believed patentable for at least similar reasons. Claim 16 recites that the changed value is changed from the set value to an extent controlled by the user, as described in Applicant's specification on page 27, lines 11-14. Claim 17, dependent on claim 10, recites that the muting logic is included in audio volume logic that recognizes an external connection situation and mutes the audio volume if in accordance with that situation; this is described in Applicant's specification on page 23, and is not disclosed or suggested by Kunkel. Claim 18 recites that at least two different external connection situations are associated with different audio volumes, as disclosed in Applicant's specification, for example, on pages 22-25, and is not disclosed or suggested by Kitamura. Claim 19 recites that hypothetical external connection situations and audio volumes are stored and compared to the actual external connection situation, similar to the subject matter of claims 5 and 7, and is believed patentable for at least similar reasons. Claim 20, dependent on claim 14, recites that audio volume control logic recognizes an external connection situation using stored situations and changes audio volume to the user in accordance therewith, including muting, as disclosed in Applicant's specification, for example, on pages 22-25, and which is not disclosed or suggested by Kunkel or the other cited references as explained above.

In view of the foregoing, Applicant submits that claims 1-20 are patentable, and respectfully requests reconsideration and allowance of the claims as now presented.

Applicants' attorney believes this application in condition for allowance. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Respectfully submitted,
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Date

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